

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:06CR280
Plaintiff,)	
)	
vs.)	ORDER
)	
ARTURO SOBERANO,)	
)	
Defendant.)	

This matter is before the court on the motion of J. William Gallup to withdraw as counsel for the defendant, Arturo Soberano (Soberano) (Filing No. 16). The court held hearings on the motion on September 12 and 22, 2006. Certified interpreters in the Spanish language served as interpreters by remote telephone hook-up on both occasions. During an *ex parte* in camera discussion with Mr. Gallup and Soberano, the court determined the motion should be granted. The court further determined Soberano is eligible for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. §3006A, and the Amended Criminal Justice Act Plan for the District of Nebraska.

IT IS ORDERED:

1. Mr. Gallup's motion to withdraw (Filing No. 16) is granted.
2. The Federal Public Defender for the District of Nebraska is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

3. Mr. Gallup shall forthwith provide the Federal Public Defender with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Gallup which are material to Soberano's defense.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this order to the Federal Public Defender for the District of Nebraska.

IT IS FURTHER ORDERED:

- A. The trial of this matter is rescheduled to **November 13, 2006**, before Chief Judge Bataillon and a jury.
- B. Discovery required by paragraph 2 of the progression order (Filing No. 12) is to be completed by **September 27, 2006**.
- C. Any pretrial motions shall be filed on or before **October 16, 2006**, in accordance with paragraphs 3 and 4 of the progression order.
- D. The ends of justice have been served by granting such additional time to file pretrial motions and to schedule trial and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **September 22, 2006 and November 13, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 22nd day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge